HOW TO DISMISS A KING COUNTY DISSOLUTION

King County Facilitators: Instruction # D-8
Northwest Women's Law Center, copyright 1997
(Revised with permission)
KCLR 7 (b)

A dissolution action may be dismissed at any time before the final decree of dissolution is signed by the Court. There are two ways for a dissolution to be dismissed: 1) by filing a motion for, and having the court sign an order of, dismissal; or 2) by the Court's own motion for and order of dismissal.

I. Dismissing Your Dissolution with a Motion for and Order of Dismissal

You may bring a motion to have your dissolution dismissed in any of three situations:

1) You have filed, but not served, your Petition for Dissolution;
2) Your spouse/partner agrees to dismiss your dissolution action; or
3) Your spouse/partner has not filed and served a Response to your Petition for Dissolution within the required time period.

The [Motion for Order of Dismissal (WPF DRPSCU 01.0550)](#) and [Order of Dismissal (WPF DRPSCU 01.0560)](#) are both available for free using the Court's website,. http://www.courts.wa.gov/forms/.

1) Petition for Dissolution Filed, but not Served

If you have filed your Petition for Dissolution, but have decided to stop the dissolution before you have served your spouse with the Summons and Petition for Dissolution, fill out a Motion for Order for Dismissal and Order for Dismissal. Make a copy of the forms. Take the originals and a copy of the Order for Dismissal to the Clerk's Office and pay the Ex-Parte via the Clerk processing fee. Complete the ex-parte cover sheet and select the method for picking up your copy of the signed order. The Clerk will present the order to the Commissioner on your behalf. After the order has been signed the Clerk will automatically file the original documents and return the copy of the order to you via the method you requested.

2) Spouse/Partner Agrees to Dismiss Your Dissolution

If your spouse has joined in your Petition for Dissolution or has filed and served a timely Response to your Petition, you can only have your dissolution dismissed if your spouse agrees to dismiss your dissolution. You must both sign the Motion and Order for Dismissal. Make a copy of the forms. Take the originals and a copy of the Order for

Dismissal to the Clerk's Office and pay the Ex-Parte via the Clerk processing fee. Complete the ex-parte cover sheet and select the method for picking up your copy of the signed order. The Clerk will present the order to the Commissioner on your behalf. After the order has been signed the Clerk will automatically file the original documents and return the copy of the order to you via the method you requested.

3) Spouse/Partner Has Not Filed and Served a Response to Your Petition for Dissolution

If your spouse/partner has not filed and served a Response to your Petition within the required time period, you must file the Motion and Order for Dismissal and the Notice for Hearing, setting a hearing date to have the dissolution dismissed. Your spouse/partner is required to file and serve a Response within 20 days after being served your Petition for Dissolution if s/he was personally served within the state of Washington; 60 days if personally served outside the state of Washington or if served by publication; and 90 days if served by mail.

On the **Notice for Hearing, Kent or Seattle**, you must request a hearing with your assigned judge by filling in the box "Cases Assigned to Individual Judge" and requesting a hearing without oral argument. Fill out the names and addresses of all parties on the back. Use the Seattle Notice for Hearing if your case was assigned to Seattle and the Kent Notice for Hearing if your case was assigned to Kent. Make four copies.

File the originals of both the Motion for Order of Dismissal and the Notice for Hearing in the Clerk's Office.

Prepare a working copy for the judge. The working copy should include the Motion for Order of Dismissal, a proposed Order of Dismissal and the Notice for Hearing. Write in red on the upper right-hand corner "Judge's Working Papers", the name of the judge, the date of the hearing, and the words "Motion Without Oral Argument". The name of your judge is on your Case Management Schedule. Attach an extra copy of your Motion and Order and a self-addressed, stamped envelope, for the court to return a signed copy to you. Deliver this set to the Judges' Mailroom in the appropriate courthouse.

Serve a copy of both the Motion and Order for Dismissal and the Notice for Hearing on your spouse/partner at his/her last known address at least 6 calendar days before the date of the hearing. Service may be made by certified mail with return receipt requested.

II. Dismissal of a Dissolution by the Court

Your dissolution may be dismissed by the Court if:
1) You fail to appear for trial;
2) You fail to file a final order after written notice of settlement has been filed;
3) There has been no action in your case for 12 months; or
4) You fail to follow your case schedule.

The Court will notify you by letter of any dismissal action and will give you 45 days to respond. If you do not respond before the 45-day deadline, your dissolution will automatically be dismissed and the court clerk will mail all parties or their attorneys of record a copy of the Order of Dismissal.

The Court may also dismiss your dissolution <u>without notice</u> if you fail to attend a status conference or non-compliance hearing as designated on your Case Management Schedule.

III. Effect of an Order of Dismissal

Once signed by the court, an Order of Dismissal will stop your dissolution action and invalidate any temporary court orders you have obtained in the matter. If you or your spouse/partner later decide that you want a dissolution, you must start the process again by filing a new Summons and Petition and paying a new filing fee, or by obtaining an order setting aside the dismissal and reinstating the case .